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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,952	12/27/2000	Benoit Pol Menez	PU000187	6466

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EXAMINER
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LIM, KRISNA

ART UNIT	PAPER NUMBER
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2153

MAIL DATE	DELIVERY MODE
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06/15/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/748,952

Applicant(s)

MENEZ, BENOIT POL

Examiner

Krisna Lim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 19-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. Claims 1-12 and 19-21 are once again presented for examination.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 4/30/07 has been entered.
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1-12 and 19-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Alten et al. [U.S. Patent No. 6,396,546] in view of Morrison et al. [U.S. Patent No. 6,591,292]. Examiner used Alten et al. in the parent case, and the applicant submitted Morrison et al.
5. Alten et al. disclosed (e.g., see Figs. 1-43B) the invention substantially as claimed. Taking claims 1 and 19-21 as exemplary claims, the reference disclosed in a television system (an electronic television program guide schedule system, see the title and the abstract) in which at least program title information which are to be transmitted

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in the future is transmitted in advance to form a channel guide list, apparatus comprising:

a) memory means (lines 6-8 of the abstract, database of Fig. 42, col. 12, line 2) for storing data representing the channel guide list and an e-mail address, the memory means storing user-entered data;

b) data entry means (e.g., a remote controller or a user interface 31 of Figs. 1 and 3-4) for entering said user-entered data (a keypad, a user interface of Figs. 1, 3 and 4, "the user can revise the content and/or sequential order of the channels ...", col. 12, lines 17-42);

c) control means (a remote controller, lines 8-12 of the abstract, 184 of Fig. 18) for performing a search of said channel guide listing (180 of Figs. 18, 19, 22, 23, 28 and 36B) for a match to specific user-entered information (user control commands in the abstract, selected of Figs. 8-10));

c) on-screen display means (e.g., see on-screen display of Figs. 6A to 10, col. 5) for displaying text or graphic under control of said control means (lines 13-25 of the abstract, on-display of Figs. 18-29); and

means for selecting a television program for viewing (Pay Per View Confirmation, You have requested to order ... of Fig. 24A).

6. While Alten et al. disclosed the electronic program schedule system which included specific command icons that allowed the user to electronically communicate or interact with the system (e.g., Pay Per View Confirmation or a request to order the movie, etc.), Alten et al. did not explicitly mention that this communication was done by the e-mail method. Morrison et al., on the other hand, clearly discloses the feature of incorporating program information into e-mail and using this e-mail method for electronically sending program information to a recipient. Since both of these two references are directed to the electronic television program guide, it would have been

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obvious to one of ordinary skilled in the art to incorporate the teaching of Morrison et al. into Alten et al's system so that the electronic television program guide can be e-mailed to the recipient.

7. As to claim 2, Alten et al. disclosed the listing to included titles or context of the television (e.g., see Fig. 18, 19, 22, 31, etc.).

8. As to claim 3, Alten et al. disclosed control means (a remote controller, lines 8-12 of the abstract, 184 of Fig. 18) controlled the on-screen means to display a list of user-entered search criteria (180 of Figs. 18, 19, 22, 23, 28 and 36B, user control commands in the abstract, selected of Figs. 8-10, lines 13-25 of the abstract, on-display of Figs. 18-29).

9. As to claims 4-5, using the e-mail method for automatically or electronically passed information back and forth between users/computers through the computer network is a well known feature in the art at the time the invention was made. Thus, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to recognize that such using e-mail to notify the user would have been obvious existed in Alten's cable system in order for the user to electronically communicate with the electronic program schedule system.

10. As to claim 6, while Alten disclosed the use of screen display icon that allowed user to enter information, Alten et al. did not explicitly detail his screen display is a

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screen display keyboard (e.g., a virtual keyboard). Virtual keyboard is well known feature in the art at the time of the invention was made. Thus, such implementation of a well known feature into Alten's screen display that allows user to enter data would have been a matter of using and implementing a well device to enhance his screen display.

11. As to claims 7-9, Alten did not explicitly detail what kind of searching operations/functions are used in his search criteria for selecting and ordering the movie. Using logical operations such as "OR", "AND" or "NOT", "XOR" or whatever logical operations in the advance search are well known in the art the time the invention was made. Thus, such implementation of detail logical operations in the advance search would have been a matter of using and implementing well-known operations.

12. Claims 10-12 are similar in scope as of claims 1-9 and 19-21, and therefore claims 10-12 are rejected for the same reasons set forth above for claims 1-9 and 19-21.

13. Applicant's arguments filed 7/11/05 and 4/30/07 have been fully considered but they are not deemed to be persuasive. In the remarks, applicant argued in substance that:

a) Nothing in Alten discloses or suggests that the described system of Alten that such a memory means would or could store "at least one e-mail address."

b) Nothing in Alten discloses or suggests the desirability of transmitting the claimed e-mail results of claim 1.

c) The pay per view confirmation is not the same thing as "sending an e-mail message to the user at the at least one e-mail address to notify said user of an availability of said television program."

d) Alten does not disclose or suggest why a user would want the results of purchasing a movie would or should be transmitted as e-mail to "at least one e-mail address" in the manner suggested by the Examiner.

e) At first paragraph of page 10 of the applicant's remark, applicant argued that the teaching of Alten has nothing to do with disclosing or suggestion how one could send an electronic message to a third party without applying hindsight analysis in view of the applicant's invention.

f) At the second paragraph of page 10 of the applicant's remark, Examiner does not answer why Alten suggests the need for the combination proposed by the Examiner ... The REMINDER feature disclosed by Alten (col. 14, lines 36-55) does not disclose or suggest the need to send such reminders electronic message as emails.

14. As to paragraphs 13 a) to 13 f) above, while Alten et al. disclosed the electronic program schedule system which included specific command icons that allowed the user to electronically communicate or interact with the system (e.g., Pay Per View Confirmation or a request to order the movie, etc.), Alten et al. did not explicitly mention that this communication was done by the e-mail method. Morrison et al., on the other hand, clearly discloses the feature of incorporating program information into e-mail and using this e-mail method for electronically sending program information to a recipient. Since both of these two references are directed to the electronic television program guide, it would have been obvious to one of ordinary skilled in the art to incorporate the teaching of Morrison et al. into Alten et al's system so that the electronic television program guide can be e-mailed to the recipient.

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15. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

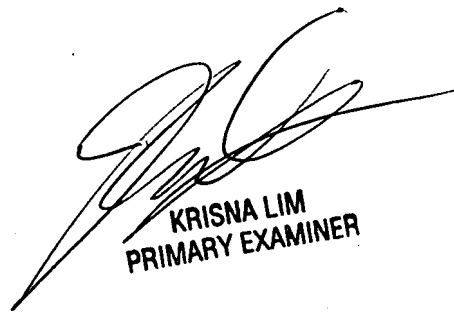
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Monday to Wednesday and Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KI

June 7, 2007



KRISNA LIM  
PRIMARY EXAMINER